Commission Regulation (EC) No 1688/2005 of 14 October 2005 implementing Regulation (EC) No 853/2004 of the European Parliament and of the Council as regards special guarantees concerning salmonella for consignments to Finland and Sweden of certain meat and eggs (Text with EEA relevance)

COMMISSION REGULATION (EC) No 1688/2005

of 14 October 2005

implementing Regulation (EC) No 853/2004 of the European Parliament and of the Council as regards special guarantees concerning salmonella for consignments to Finland and Sweden of certain meat and eggs

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin[(1)], and in particular Article 9 thereof,

Whereas:

(1) At the time of their accession, Finland and Sweden were granted additional salmonella guarantees covering trade in fresh meat from bovine and porcine animals, fresh poultrymeat and table eggs which were extended to minced meat by Council Directive 94/65/EC[(2)]. Those guarantees were set out in certain Directives, as amended by the Act of Accession for Austria, Finland and Sweden, namely as regards food in Council Directive 64/433/EEC[(3)], in respect of fresh meat, Council Directive 71/118/EEC[(4)] in respect of fresh poultrymeat and Directive 92/118/EEC[(5)] in respect of eggs.

(2) As from 1 January 2006, Directives 64/433/EEC, 71/118/EEC, and 94/65/EC are to be repealed by Directive 2004/41/EC of the European Parliament and of the Council of 21 April 2004 repealing certain Directives concerning food hygiene and health conditions for the production and placing on the market of certain products of animal origin intended for human consumption and amending Council Directives 89/662/EEC and 92/118/EEC and Council Decision 95/408/EC[(6)]. Directive 92/118/EEC is to be amended by Directive 2004/41/EC.

(3) Article 4 of Directive 2004/41/EC provides that pending the adoption of the necessary provisions on the basis of Regulations (EC) No 852/2004[(7)], (EC) No 853/2004, (EC) No 854/2004[(8)] of the European Parliament and of the Council or Council Directive 2002/99/EC[(9)], the implementing rules adopted on the basis of Directives 71/118/EEC and 94/65/EC and those adopted on the basis of Annex II to Directive 92/118/EEC, with the exception of Council Decision 94/371/EC[(10)] are to continue to apply *mutatis mutandis*.

(4) As from 1 January 2006, new rules concerning special guarantees for food in respect of salmonella will apply under Regulation (EC) No 853/2004.

(5) There is therefore a need to update and complement as appropriate the implementing provisions provided for in Commission Decision 95/168/EC of 8 May 1995 establishing, as regards salmonella, additional guarantees for consignments to Finland and Sweden of certain types of eggs intended for human consumption[(11)], Council Decision 95/409/EC of 22 June 1995 laying down the rules for the microbiological testing by sampling of fresh beef and veal and pigmeat intended for Finland and Sweden[(12)], Council Decision 95/411/EC of 22 June 1995 laying down the rules for the microbiological testing for salmonella by sampling of fresh poultry meat intended for Finland and Sweden[(13)], and Commission Decision 2003/470/EC of 24 June 2003 on the authorisation of certain alternative methods to be used in microbiological testing of meat intended for Finland and Sweden[(14)], pursuant to the new provisions of Regulation (EC) No 853/2004. It is furthermore appropriate to gather all the provisions in one Commission Regulation and to repeal Decisions 95/168/EC, 95/409/EC, 95/411/EC and 2003/470/EC.

(6) Implementing provisions should also be adopted for the new special guarantees laid down in Regulation (EC) No 853/2004 as regard minced meat from poultry.

(7) The rules relating to microbiological tests by sampling should be drawn up laying down the sampling method, the number of samples to be taken and the microbiological method to be used for examining the samples.

(8) In the rules on sampling methods, it is appropriate to make a distinction, as regards meat from bovine and porcine animals, between carcases and half carcases, on the one hand and quarters, cuts and smaller pieces on the other, and, as regards meat from poultry, between whole carcases, on the one hand, and parts of carcases and offal on the other.

(9) It is appropriate to take account of international methods for the sampling and for the microbiological examination of samples, as reference methods, while allowing the use of certain alternative methods that have been validated and certified as providing equivalent guarantees.

(10) It is necessary to update or to establish where appropriate the models of trade and certification documents accompanying consignments and declaring or certifying that the guarantees are fulfilled.

(11) Pursuant to Article 8(2)(c) and (d) of Regulation (EC) No 853/2004, the special guarantees should not be applicable to any consignment that is subject to a programme recognised as equivalent to that implemented by Finland and Sweden, or to consignments of meat from bovine and porcine animals and eggs destined to special treatments.

(12) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee for the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

Sampling of meat from bovine animals

The sampling of meat from bovine animals, including minced meat but excluding meat preparations and mechanically separated meat, intended for Finland and Sweden, and subjected to a microbiological test shall be carried out in accordance with Annex I.

Article 2

Sampling of meat from porcine animals

The sampling of meat from porcine animals, including minced meat but excluding meat preparations and mechanically separated meat, intended for Finland and Sweden and subjected to a microbiological test, shall be carried out in accordance with Annex I.

Article 3

Sampling of meat from poultry

The sampling of meat from domestic fowl, turkeys, guinea fowl, ducks and geese, including minced meat but excluding meat preparations and mechanically separated meat, intended for Finland and Sweden and subjected to a microbiological test, shall be carried out in accordance with Annex II.

[F1 Article 4

Sampling of the flocks of origin of eggs

The sampling of flocks of origin of eggs intended for Finland and Sweden and subject to a microbiological test as provided for in Article 8(2)(b) of Regulation (EC) No 853/2004 shall be carried out in accordance with:

(a) the minimum sampling requirements for laying flocks laid down in the table set out in point 1 of part B of Annex II to Regulation (EC) No 2160/2003;

(b) the requirements for monitoring in laying flocks set out in point 2 of the Annex to Regulation (EU) No 517/2011.

Textual Amendments

F1 Substituted by Commission Implementing Regulation (EU) No 1223/2011 of 28 November 2011 amending Regulation (EC) No 1688/2005 as regards sampling of flocks of origin of eggs and the microbiological examination of such samples and samples of certain meat intended for Finland and Sweden (Text with EEA relevance).

Article 5

Microbiological methods for the examination of the samples

1 Microbiological testing for *Salmonella* of the samples taken in accordance with Articles 1 to 4 shall be carried out in accordance with the methods described in the following documents:

a in case of samples of meat as referred to in Articles 1, 2 and 3:

(i) EN/ISO 6579: Microbiology of food and animal feeding stuffs – Horizontal method for the detection of *Salmonella* spp;

(ii) NMKL (Nordic Committee on Food Analysis) method No 71: *Salmonella.* Detection in food; or

(iii) methods validated for meat against the methods referred to in (i) and (ii) or other internationally accepted protocols, provided that they are:

— used on meat from bovine and porcine animals and from poultry, and

— certified by a third party in accordance with the protocol set out in standard EN/ISO 16140 Microbiology of food and animal feeding stuffs - Protocol for the validation of alternative methods (EN/ISO 16140).

b in case of samples of flocks as referred to in Article 4: EN/ISO 6579-2002/Amd1:2007 Annex D: Detection of *Salmonella* spp. in animal faeces and in environmental samples from the primary production stage.

2 Where the results of the microbiological testing referred to paragraph 1(a) are contested between Member States, the most recent edition of EN/ISO 6579 shall be regarded as the reference method.**]**

Textual Amendments

F1 Substituted by Commission Implementing Regulation (EU) No 1223/2011 of 28 November 2011 amending Regulation (EC) No 1688/2005 as regards sampling of flocks of origin of eggs and the microbiological examination of such samples and samples of certain meat intended for Finland and Sweden (Text with EEA relevance).

Article 6

Documentation

1 Consignments of meat referred to in Articles 1, 2 and 3 shall be accompanied by a trade document complying with the model set out in Annex IV.

2 Consignments of egg referred to in Article 4 shall be accompanied by a certificate complying with the model set out in Annex V.

Article 7

Decisions 95/168/EC, 95/409/EC, 95/411/EC and 2003/470/EC are repealed.

Article 8

This Regulation shall enter into force on the 20th day following its publication in the *Official journal of the European Union*.

It shall apply from 1 January 2006.

This Regulation shall be binding in its entirety and directly applicable in all Member States.